

REMARKS

In the **final** Office Action mailed August 26, 2009, the Office noted that claims 24-53 were pending and rejected claims 24-53. In this amendment claims 24, 26, 28, 30, 32, 34, 35, 38, 39, 41-52 has been amended, claims and 27, 29, 37, and 40 have been canceled, and thus, in view of the foregoing, claims 24-26, 28, 30-36, 38, 39 and 41-53 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 103

Claims 24-28, 31-39 and 42-53 stand rejected under 35 U.S.C. § 103(a) as being obvious over Suzuki, U.S. Patent Publication No. 2003/0059205 in view of Takahashi, U.S. Patent Publication No. 2003/0179669. The Applicants respectfully disagree and traverse the rejection with an argument.

Takahashi discusses that an optical disc 100 includes, in the defect list 112, the anchor 126 which includes the second update times information 152.

Claim 24 has been amended to recite "a first recording layer and a second recording layer in which record information can be alternately recorded **in an opposite track path manner**, at least one of said first recording layer and said second recording layer comprising: an anchor area which is to record therein anchor information which is referred to in reading file system

information for controlling at least one of recording and reproduction of the record information; and an update area, which update area is different from the anchor area, to update-record therein the anchor information ***after a recording of a border area is finished, wherein the border area (i) is a recording unit by which the record information is alternately recorded and (ii) includes a first area portion in the first recording layer and a second area portion in the second recording layer whose radius position is substantially same as that of the first area portion, at least one of said first recording layer and said second recording layer comprises a pointer recording area to record therein four update block sector pointers each of which indicates an address value of the update area in which the anchor information is update-recorded, at least one of said first recording layer and said second recording layer comprises a flag area to record therein four update block sector effective flags each of which corresponds to respective one of the update block sector pointers and each of which indicates whether or not the anchor information is update-recorded into the update area.***"

(Emphasis added) Support for the amendment may be found, for example, in Fig. 3 and; claims 26, 27 and 29; and page 24, lines 24 and 25, page 26, lines 9-26, page 30, lines 6-26, page 34, line 20 through page 35, line 17 and page 45, lines 10-15 of the Specification. The Applicants submit that no new matter is believed to have been added. Claims 32 and 42-53 have been

amended in a manner consistent with the amendment to claim 24. Claims 26, 30, 34, 35, 41 have been amended to be consistent with their respective parent claims.

The present invention as embodied in the claims solves the technical problem in performing the border-recording (i.e. the recording by a unit of border area, as shown in Fig. 2 of the present application) in the opposite track path manner. In other words, the present invention is to solve such a technical problem that the file system information cannot be read after the second border area is recorded (see page 33, line 14 through page 34, line 2 of the Specification).

Because the present invention as embodied in the claims uses the update block sector pointers and the update block sector effective flags, the anchor information can be appropriately read even if the anchor information is recorded into a recording area other than the default anchor area by referring the update block sector pointers and the update block sector effective flags. Thereby, the file system information can be appropriately read (see page 34, lines 2-9 and page 48, line 26 through page 50, line 9 of the Specification).

However, neither Suzuki nor Takahashi discloses the above novel feature of the present invention such that "(i) the update block sector pointers and the update block sector effective flags are prepared, and (ii) they are adapted to the border-recording in the opposite track path manner."

In addition, in the present invention as embodied in the claims, because the plurality of update block sector pointers are prepared, it is enough to update only one update block sector pointer if respective one anchor information is update-recorded. In other words, it is not needed to update the other three update block sector pointers if only respective one anchor information is update-recorded. Same argument can be applied to the plurality of update block sector effective flags.

Further, the "anchor" disclosed in Takahashi is merely the information located on the end of the defect list 112, and is not information which is referred to in reading file system information. Therefore, the applicants believe that the above novel feature of the present invention such that "(i) the update block sector pointers and the update block sector effective flags are prepared, and (ii) they are adapted to the border-recording in the opposite track path manner" are not obvious to one of ordinary skill in the art.

Therefore, for at least the reasons discussed above, Suzuki and Takahashi, taken separately or in combination, fail to render obvious the features of claims 24, 32 and 42-53 and the claims dependent therefrom.

Claims 29, 30, 40 and 41 stand rejected under 35 U.S.C. § 103(a) as being obvious over Suzuki in view of Applicants Admitted Prior Art (AAPA) in view of Takahashi, in view of Mitsuda, U.S. Patent Publication No. 2003/0193859. The

Applicants respectfully disagree and traverse the rejection with an argument.

The "update flag" disclosed in Mitsuda is not the flag which corresponds to the update-recording of the respective one anchor information for reading the file system information. Therefore, the applicants believe that the above novel feature of the present invention such that "(i) the update block sector pointers and the update block sector effective flags are prepared, and (ii) they are adapted to the border-recording in the opposite track path manner" as in the independent claims are not obvious to one of ordinary skill in the art.

AAPA and Mitsuda add nothing to the deficiencies of Suzuki and Takahashi as applied against the independent claims. Therefore, for at least the reasons discussed above, Suzuki, Takahashi, AAPA and Mitsuda, taken separately or in combination, fail to render obvious claims 29, 30, 40 and 41.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 24-26, 28, 30-36, 38, 39 and 41-53 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are

therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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